

**Town of Mashpee
Mashpee High School
500 Old Barnstable Road
Mashpee, MA 02649
Special Town Meeting
Monday, May 1, 2023**

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 1st day of May 2023 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

Article 1

To see if the Town will vote to appropriate and transfer a sum of money from revenue available for appropriation to the Snow & Ice Account, or take any other action relating thereto.

Submitted by the Department of Public Works

Explanation: This article is necessary to fund a deficit in the Snow & Ice Account.

The Select Board recommends approval of Article 1 by a vote of 5-0

The Finance Committee will make a recommendation at Town Meeting

Article 2

To see if the Town will vote to appropriate and transfer the sum of \$1,964,629 from revenue available for appropriation, to be deposited into the Capital Stabilization Fund, or take any other action relating thereto.

Submitted by the Select Board

Explanation: As per Select Board Policy #072, "Capital Improvement Policy", this article will set aside funds in the amount of fifteen percent (15%) of the "Certified Free Cash" into the Capital Stabilization account for future capital expenditures in an effort to ensure the Town will maintain its assets at a level adequate to protect the Town's capital investment and to minimize future maintenance and replacement costs.

The Select Board recommends approval of Article 2 by a vote of 5-0

The Finance Committee recommends approval of Article 2 by a vote of 6-0

Article 3

To see if the Town will vote to appropriate and transfer the sum of \$101,450 from the Ambulance Reserved Receipts account with said funds to be distributed as follows: \$100,000 to the Fire Department Overtime Salary account and \$1,450 to the Medicare expense account, or take any other action relating thereto.

Submitted by Fire Chief John Phelan

Explanation: This article provides additional funds to cover a projected shortfall in the Fire Department Salary account. Due to an increase in calls for service, additional staffing is required. The funds will cover anticipated overtime costs associated with increasing minimum manning. All funds will be transferred from the Ambulance Reserved Receipts account and will have no impact on the taxes.

The Select Board recommends approval of Article 3 by a vote of 5-0

The Finance Committee recommends approval of Article 3 by a vote of 6-0

Article 4

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund Budget for Appropriation Reserve in accordance with the provisions of M.G.L., Chapter 44B, §5, the sum of \$378,080 for the purpose of funding the Quashnet School Playground Improvement Project Phase II at the site located at 150 Old Barnstable Road, Mashpee, identified on Assessor's Map 67, Parcel 2, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this project is to address the aging courts in disrepair. This project includes the construction of new basketball courts, tennis/pickleball courts and a new outdoor game. Playground surfacing would meet the requirements for fall protection and handicap accessibility. The provision of different types of equipment would invite and encourage physical outdoor play for all skill levels and introduce a variety of sports activities. The playgrounds and courts are used year-round by the schools and are available for public use during non-school hours. The total cost of the project is \$391,080. Available fees by outside groups will offset the projected budget. The DPW will also perform some of the required work.

The Community Preservation Committee recommends approval of Article 4 by a vote of 8-0.

The Select Board recommends approval of Article 4 by a vote of 5-0

The Finance Committee recommends approval of Article 4 by a vote of 5-1

Article 5

To see if the Town will vote to appropriate and transfer from the Community Preservation Fund Budget for Appropriation Reserve in accordance with the provisions of M.G.L. Chapter 44B, §5, the sum of \$425,000 for the purpose of funding the Edward A. Baker Boat Ramp at Pirate's Cove Improvement Project Phase II, at the site located at 388 Mashpee Neck Road, Mashpee, identified on Assessor's Map 96, including necessary costs and expenses related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this project is to replace the 35-year-old concrete boat ramp that has deteriorated, install a concrete scour pad at the end of the ramp and install two additional floats at the dock. It is necessary to install a scour pad for the erosion caused by the power loading of boats at the ramp and to avoid boats running aground. There is no change to the size of the ramp.

The installation of two additional floats will provide more space for boats to avoid congestion at the ramp. Four piles will be installed at the west end of the ramp to prevent boaters from landing on the adjacent small beach protecting the saltwater marsh. The total cost of the project is \$434,735. The design and permitting for the project were funded through the DPW and Waterways Commission budgets. Stormwater improvements have been made through grant funding. This includes a bioretention basin. In 2016 the Town approved CPA funding to replace a 30-year wooden structure at the site with marine-grade material to promote eelgrass growth and shellfish habitat. Unused funds for this project would be returned to the CPC.

The Community Preservation Committee recommends approval of Article 5 by a vote of 8-0.

The Select Board recommends approval of Article 5 by a vote of 5-0

The Finance Committee recommends approval of Article 5 by a vote of 6-1

Article 6

To see if the Town will vote, as recommended by the Community Preservation Committee, to appropriate and transfer to the Mashpee Affordable Housing Trust ("Trust") the sum of \$550,000, as follows: the sum of \$300,000 transferred from the Community Preservation Fund 10% Affordable Housing Reserve, and the sum of \$250,000 transferred from the Community Preservation Fund, Fund Balance, both in accordance with the provisions of M.G.L. Chapter 44B §5; said funds, totaling \$550,000, to be held and expended by the Board of Trustees of said Trust for the purpose of Affordable Housing, including any necessary costs and expenses related thereto, provided, however, that said sums shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of M.G.L. Chapter 44B when expended by the Trust, shall be accounted for separately by the Trust, and, provided further, that at the end of each fiscal year the Trust shall ensure that all expenditures of said funds are reported to the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this appropriation is to allow a more efficient procedure to enable the acquisition and subsequent development of affordable housing projects in the Town of Mashpee. The Affordable Housing Trust is a Town body which, by statute, may purchase, hold, and make decisions regarding the development of affordable housing units within the Town. Granting the requested available funds to the Affordable Housing Trust will enable the Trust to negotiate with developers and execute real estate transactions effectively and efficiently.

The Community Preservation Committee recommends approval of Article 6 by a vote of 7-0-1 (1) abstention.

The Select Board recommends approval of Article 6 by a vote of 5-0

The Finance Committee recommends approval of Article 6 by a vote of 6-0

Article 7

To see if the Town will vote, as recommended by the Community Preservation Committee, to appropriate and transfer the sum of \$500,000 from the Community Preservation Fund, Fund Balance in accordance with the provisions of M.G.L. Chapter 44B §5, for the purpose of assisting with funding for the LeClair Village Affordable Rental Housing project, property located at 950 Falmouth Road, Mashpee, identified on Assessor's Map 93-6-0 (2.49 acres site for 39 affordable homes in 3 buildings), 93-7-0 (3.26 acres, site for underground water infrastructure and open space), 94-7-0 (7.08 acres to be preserved as open space); said property comprised of 12.83 acres in total, including any necessary costs and expenses related thereto, as recommended by the Community Preservation Committee; provided, said sum shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of M.G.L. Chapter 44B when expended by the Housing Assistance Corporation of Cape Cod (HAC) and Preservation of Affordable Housing (POAH) or their designated entity, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: The goal of this appropriation is to assist the Housing Assistance Corporation (HAC) and the Preservation of Affordable Housing (POAH), the designated developers pursuant to a competitive proposal solicitation process, to develop the 950 Falmouth Road property to provide much-needed affordable housing stock in Mashpee. The project will create 39 new affordable rental homes in three buildings with a total of 68 bedrooms units. The residential construction will be confined to Parcel A. The wastewater treatment infrastructure for the project will be located in Parcel B, and Parcel C shall remain as open space. The addition of 39 affordable rental homes in the LeClair Village development will assist Mashpee in achieving a total affordable housing stock inventory of 5.9%. This contribution from the Town, through its CPA, will offset direct construction costs for the subject affordable housing development.

The Community Preservation Committee recommends approval of Article 7 by a vote of 7-0.

The Select Board recommends approval of Article 7 by a vote of 5-0

The Finance Committee recommends approval of Article 7 by a vote of 6-0

THIS CONCLUDES THE BUSINESS OF THE SPECIAL TOWN MEETING

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 20th day of March in the year two thousand and twenty-three.

Per Order of,
Select Board

David W. Weeden, Chair

John J. Cotton, Vice Chair

Thomas F. O'Hara, Clerk

Carol A. Sherman

Michaela Wyman-Colombo

**Town of Mashpee
Mashpee High School
500 Old Barnstable Road
Mashpee, MA 02649
Annual Town Meeting
Monday, May 1, 2023**

Barnstable, ss:

Greetings to the Constables of the Town,

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and summon the inhabitants of the Town of Mashpee who are qualified to vote in the elections to meet at the Mashpee High School on Monday, the 1st day of May 2023 at 7:00 p.m. for the following purposes:

To act on the articles contained in the following Warrant:

Article 1

To see if the Town will vote to accept the reports of the Town officers, or take any other action relating thereto.

Submitted by the Select Board

Explanation: The 2022 Annual Town Report in which the reports of Town officers are presented is available at the Town Meeting and at the Town Hall.

The Select Board recommends approval of Article 1 by a vote of 5-0

The Finance Committee recommends approval of Article 1 by a vote of 7-0

Article 2

To see if the Town will vote to fix the salaries of the following elected officers as provided in Chapter 41, Section 108, of the Massachusetts General Laws for the period of July 1, 2023 to June 30, 2024, and further, to see if the Town will vote to appropriate, raise, and/or transfer a sum of money to defray the Town's expenses for the ensuing fiscal year, according to the following line item budget, with the maximum amount to be appropriated as shown in the column entitled "FY 2024 Department Request" (see Omnibus Budget), or take any other action relating thereto.

Submitted by the Select Board

Explanation: This article seeks to fund the annual operating budgets for the various Town Departments.

The Select Board recommends approval of Article 2 by a vote of 5-0

The Finance Committee recommends approval of Article 2 by a vote of 7-0

DEPARTMENT		FY 2023 BUDGET		FY 2024 DEPARTMENT REQUEST	FY 2024 FINANCE COMMITTEE RECOMMEND	FY 2024 TOWN MGR RECOMMEND
MODERATOR						
SALARY	1	200	200	200	200	200
TOTAL		200	200	200	200	200
SELECTMEN						
SALARY-ELECTED	2	15,500	15,500	15,500	15,500	15,500
SALARY/WAGE	3	436,055	490,430	490,430	490,430	490,430
EXPENSE	4	38,500	38,500	38,500	38,500	38,500
LEG/ENG/CONSULTING	5	385,000	385,000	385,000	385,000	385,000
TOTAL		875,055	929,430	929,430	929,430	929,430
FINANCE COMMITTEE						
RESERVE FUND	6	45,500	300,000	275,000	275,000	275,000
EXPENSE	7	75,000	83,000	83,000	83,000	83,000
TOTAL		120,500	383,000	358,000	358,000	358,000
TOWN ACCOUNTANT						
SALARY/WAGE	8	304,765	325,360	325,360	325,360	325,360
EXPENSE	9	3,175	3,175	3,175	3,175	3,175
TOTAL		307,940	328,535	328,535	328,535	328,535
ASSESSORS						
SALARY-APPOINTED	10	3,000	3,000	3,000	3,000	3,000
SALARY/WAGE	11	266,788	267,560	267,560	267,560	267,560
EXPENSE	12	6,000	6,800	6,800	6,800	6,800
TOTAL		275,788	277,360	277,360	277,360	277,360
TREASURER/TAX COLLECTOR						
SALARY/WAGE	13	274,760	268,164	268,164	268,164	268,164
EXPENSE	14	47,400	51,400	51,400	51,400	51,400
DEBT SERVICE	15	2,500	2,500	2,500	2,500	2,500
FORECLOSURE	16	12,000	12,000	12,000	12,000	12,000
TOTAL		336,660	334,064	334,064	334,064	334,064
HUMAN RESOURCES						
SALARY/WAGE	17	436,813	428,858	428,268	428,268	428,268
EXPENSE	18	100,637	100,685	100,685	100,685	100,685
TOTAL		537,450	529,543	528,953	528,953	528,953

DEPARTMENT		FY 2023 BUDGET	FY 2024 DEPARTMENT REQUEST	FY 2024 FINANCE COMMITTEE RECOMMEND	FY 2024 TOWN MGR RECOMMEND
INFORMATION TECHNOLOGY					
SALARY/WAGE	19	389,985	391,935	391,935	391,935
EXPENSE	20	321,756	335,862	335,862	335,862
EQUIPMENT REPLACEMENT	21	27,000	27,000	27,000	27,000
TOTAL		738,741	754,797	754,797	754,797
TOWN CLERK					
SALARY-ELECTED	22	98,890	103,440	103,440	103,440
SALARY/WAGE	23	108,890	108,070	108,070	108,070
EXPENSE	24	8,875	9,125	9,125	9,125
TOTAL		216,655	220,635	220,635	220,635
ELECTIONS & REGISTRATIONS					
SALARY/WAGE	25	66,486	68,261	68,261	68,261
EXPENSE	26	56,700	63,300	63,300	63,300
TOTAL		123,186	131,561	131,561	131,561
CONSERVATION					
SALARY/WAGE	27	220,561	216,816	216,816	216,816
EXPENSE	28	5,824	6,908	6,908	6,908
HERRING EXPENSE	29	500	500	500	500
TOTAL		226,885	224,224	224,224	224,224
NATURAL RESOURCES					
SALARY/WAGE	30	643,420	659,420	659,420	659,420
EXPENSE	31	189,710	181,910	181,910	181,910
PROPAGATION	32	240,650	253,500	203,500	203,500
TOTAL		1,073,780	1,094,830	1,044,830	1,044,830
PLANNING BOARD					
EXPENSE	33	11,125	21,125	21,125	21,125
TOTAL		11,125	21,125	21,125	21,125
PLANNING DEPARTMENT					
SALARY/WAGE	34	161,130	157,735	157,735	157,735
EXPENSE	35	4,125	4,125	4,125	4,125
TOTAL		165,255	161,860	161,860	161,860
TOWN HALL					
EXPENSE	36	307,000	302,000	302,000	302,000
TOTAL		307,000	302,000	302,000	302,000

DEPARTMENT	FY 2023 BUDGET		FY 2024 DEPARTMENT REQUEST	FY 2024 FINANCE COMMITTEE RECOMMEND	FY 2024 TOWN MGR RECOMMEND
POLICE					
SALARY/WAGE	37	4,610,509	4,755,120	4,755,120	4,755,120
EXPENSE	38	317,681	317,681	317,681	317,681
DISPATCHERS SALARY/WAGE	39	571,660	573,510	573,510	573,510
TOTAL		5,499,850	5,646,311	5,646,311	5,646,311
FIRE					
SALARY/WAGE	40	4,369,552	4,403,610	4,403,610	4,403,610
EXPENSE	41	529,405	528,590	528,590	528,590
TOTAL		4,898,957	4,932,200	4,932,200	4,932,200
BUILDING INSPECTOR					
SALARY/WAGE	42	341,776	342,553	342,553	342,553
EXPENSE	43	32,070	31,148	31,148	31,148
TOTAL		373,846	373,701	373,701	373,701
SCHOOL					
BUDGET	44	23,402,261	24,354,179	24,354,179	24,354,179
TOTAL		23,402,261	24,354,179	24,354,179	24,354,179
DPW					
SALARY/WAGE	45	2,827,614	2,831,514	2,831,514	2,831,514
EXPENSE	46	1,098,985	1,149,350	1,149,350	1,149,350
BUILDINGS & GROUNDS	47	1,440,481	1,472,553	1,472,553	1,472,553
TOTAL		5,367,080	5,453,417	5,453,417	5,453,417
SNOW & ICE					
EXPENSE	48	116,570	116,570	116,570	116,570
TOTAL		116,570	116,570	116,570	116,570
STREET LIGHTING					
EXPENSE	49	22,000	22,000	22,000	22,000
TOTAL		22,000	22,000	22,000	22,000
TRANSFER STATION					
EXPENSE	50	1,120,062	1,202,690	1,202,690	1,202,690
TOTAL		1,120,062	1,202,690	1,202,690	1,202,690

DEPARTMENT		FY 2023 BUDGET	FY 2024 DEPARTMENT REQUEST	FY 2024 FINANCE COMMITTEE RECOMMEND	FY 2024 TOWN MGR RECOMMEND
WASTEWATER					
	SALARY	51 119,139	164,030	164,030	164,030
	EXPENSE	52 163,450	383,450	223,450	223,450
TOTAL		282,589	547,480	387,480	387,480
CEMETERY					
	EXPENSE	53 15,000	14,000	14,000	14,000
TOTAL		15,000	14,000	14,000	14,000
HEALTH					
	SALARY-APPOINTED	54 3,000	3,000	3,000	3,000
	SALARY/WAGE	55 309,339	306,515	306,515	306,515
	EXPENSE	56 63,540	52,750	52,750	52,750
TOTAL		375,879	362,265	362,265	362,265
COUNCIL ON AGING					
	SALARY/WAGE	57 270,485	276,431	276,431	276,431
	EXPENSE	58 45,973	42,745	42,745	42,745
TOTAL		316,458	319,176	319,176	319,176
VETERANS					
	EXPENSE	59 110,000	132,000	132,000	132,000
	MEMBERSHIP	60 45,650	50,215	50,215	50,215
TOTAL		155,650	182,215	182,215	182,215
HUMAN SERVICES					
	SALARY/WAGE	61 91,228	95,046	95,046	95,046
	EXPENSE	62 51,910	56,410	53,410	53,410
TOTAL		143,138	151,456	148,456	148,456
LIBRARY					
	SALARY/WAGE	63 554,725	577,229	577,229	577,229
	EXPENSE	64 208,624	214,700	214,700	214,700
TOTAL		763,349	791,929	791,929	791,929
RECREATION					
	SALARY/WAGE	65 317,433	323,168	323,168	323,168
	EXPENSE	66 30,875	41,525	41,525	41,525
TOTAL		348,308	364,693	364,693	364,693

DEPARTMENT		FY 2023 BUDGET	FY 2024 DEPARTMENT REQUEST	FY 2024 FINANCE COMMITTEE RECOMMEND	FY 2024 TOWN MGR RECOMMEND
HISTORICAL					
TEMP WAGE	67	10,000	10,000	10,000	10,000
EXPENSE	68	6,830	6,830	6,830	6,830
TOTAL		16,830	16,830	16,830	16,830
CULTURAL COUNCIL					
EXPENSE	69	90	90	90	90
TOTAL		90	90	90	90
PRINCIPAL INSIDE 2 1/2		70	978,800	893,385	893,385
PRINCIPAL OUTSIDE 2 1/2		71	795,000	785,000	785,000
INTEREST INSIDE 2 1/2		72	170,040	134,338	134,338
INTEREST OUTSIDE 2 1/2		73	232,975	205,175	205,175
Principal & Interest					
TEMP BORROW INSIDE 2 1/2	74	22,875	325,400	70,400	70,400
Principal & Interest					
TEMP BORROW OUTSIDE 2 1/2	75	74,400	13,125	13,125	13,125
RETIREMENT EXPENSE		76	4,062,220	4,301,935	4,140,960
UNEMPLOYMENT		77	40,000	40,000	40,000
MEDICAL INSURANCE		78	8,251,590	8,772,736	8,558,248
GROUP INSURANCE		79	15,845	15,845	15,845
MEDICARE		80	534,186	587,038	587,038
TOWN INSURANCE		81	1,057,815	1,166,300	1,134,300
TOTAL		64,769,883	67,784,643	66,883,590	66,883,590

Article 3

To see if the Town will vote to appropriate and transfer the sum of \$6,578,527 from available funds to various department Capital Accounts, as specified in the chart accompanying this Article, or take any other action relating thereto.

Submitted by the Select Board, Finance Committee and the Capital Improvement Program (CIP) Committee

FISCAL YEAR 2024 CAPITAL IMPROVEMENT PROGRAM		
REQUESTS BY DEPARTMENT	FY 2024 CIP COMMITTEE RECOMMENDATIONS	FY 2024 TOWN MANAGER RECOMMENDATIONS
DPW		
Loader (Year 2 of 3 Year lease)	\$90,127	\$90,127
Replace 2015 Ford F550	\$146,400	\$146,400
Replace 2015 International with 10 Wheel Dump Truck	\$120,000	\$120,000
Purchase Bucket Truck	\$170,000	\$170,000
Total DPW	\$526,527	\$526,527
FIRE		
Purchase of Ambulance	\$425,000	\$425,000
Total Fire	\$425,000	\$425,000
INFORMATION TECHNOLOGY		
Upgrade TV Studio at Town Hall	\$100,000	\$100,000
Total Information Technology	\$100,000	\$100,000
PLANNING & CONSTRUCTION		
Flooring Replacement	\$100,000	\$100,000
HVAC Upgrades Schools, Energy Audit & Design/Engineering	\$5,000,000	\$5,000,000
Total Planning & Construction	\$5,100,000	\$5,100,000
POLICE		
Four (4) Police Vehicles (Year 3 of 3 Year Lease)	\$56,000	\$56,000
Ten (10) Police Vehicles (Year 1 of 3 Year Lease)	\$199,000	\$199,000
Total Police	\$255,000	\$255,000
RECREATION		
Resurface Pickleball Courts	\$42,000	\$42,000
Total Recreation	\$42,000	\$42,000

(Table is continued on the next page)

FISCAL YEAR 2024 CAPITAL IMPROVEMENT PROGRAM (CONTINUED)		
REQUESTS BY DEPARTMENT	FY 2024 CIP COMMITTEE RECOMMENDATIONS	FY 2024 TOWN MANAGER RECOMMENDATIONS
SCHOOL		
Kitchen Equipment Upgrades	\$25,000	\$25,000
Chromebook Leases	\$50,000	\$50,000
Interactive Board Systems in classrooms	\$25,000	\$25,000
MMHS Public Address & Bell System	\$30,000	\$30,000
Total School	\$130,000	\$130,000
TOTAL ALL DEPARTMENTS		
	\$6,578,527	\$6,578,527

Explanation: This article seeks to appropriate and transfer \$6,578,527 from the Capital Stabilization Fund, Ambulance Receipts, Recreation Revolving Fund, School Choice Funds, School Department Grants and the Mashpee Cable and Advanced Technology Funds for the FY 2024 capital budget. This article requires a 2/3rd vote.

The Select Board recommends approval of Article 3 by a vote of 5-0

The Finance Committee recommends approval of Article 3 by a vote of 7-0

Article 4

To see if the Town will vote to approve the annual regional school district budget for the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2023, in the amount of \$16,750,000 and further, to see if the Town will vote to raise and appropriate the sum of \$981,293 to meet its share of the cost of operation and maintenance of the Cape Cod Regional Technical High School District for the fiscal year beginning July 1, 2023, or take any other action relating thereto.

Submitted by the Select Board

Explanation: Mashpee’s share of the Cape Cod Regional Technical High School budget is \$981,293. There are currently 50 students from Mashpee at the Cape Cod Regional Technical High School, an increase of 2 students from the previous year.

The Select Board recommends approval of Article 4 by a vote of 5-0

The Finance Committee recommends approval of Article 4 by a vote of 7-0

Article 5

To see if the Town will vote to approve the regional school district debt assessment for the Cape Cod Regional Technical High School District Building Project for the fiscal year beginning July 1, 2023, in the amount of \$5,907,075, and further, to see if the Town will vote to raise and appropriate the sum of \$444,810 to meet its share of the cost of debt for the Cape Cod Regional Technical High School District Building Project for the fiscal year beginning July 1, 2023, or take any other action relating thereto.

Submitted by the Select Board

Explanation: Mashpee’s share of the Cape Cod Regional Technical High School debt for the Cape Cod Regional Technical High School Building Project for Fiscal Year 2024 is \$444,810.

The Select Board recommends approval of Article 5 by a vote of 5-0

The Finance Committee recommends approval of Article 5 by a vote of 7-0

Article 6

To see if the Town will vote to appropriate and transfer the sum of \$250,000 from revenue available for appropriation to the Other Postemployment Benefits Irrevocable Trust Fund, or take any other action relating thereto.

Submitted by the Select Board

Explanation: This article will add funds to the OPEB Irrevocable Trust Fund which was established in FY 2013 to assist the Town with meeting its potential post-employment benefits obligation.

The Select Board recommends approval of Article 6 by a vote of 5-0

The Finance Committee recommends approval of Article 6 by a vote of 7-0

Article 7

To see if the Town will vote to authorize the total expenditures for the following revolving funds pursuant G.L. c.44 Section 53E ½ for the fiscal year beginning July 1, 2023, to be expended in accordance with the Bylaw establishing said revolving funds, heretofore approved, or take any other action relating thereto.

FUND	FY 2024 AUTHORIZATION
Recreation	\$625,000
Library	\$20,000
Senior Center	\$25,000
Historical Commission	\$2,500

Submitted by the Finance Director

Explanation: This article establishes the FY 2024 expenditure limits for departmental revolving funds.

The Select Board recommends approval of Article 7 by a vote of 5-0

The Finance Committee recommends approval of Article 7 by a vote of 7-0

Article 8

To see if the Town will vote to appropriate and transfer the sum of \$250,000 from revenue available for appropriation, to be deposited into special injury leave indemnity fund, (Injured on Duty Fund), in accordance with the provisions of General Law Chapter 41, Section 111F for the purposes of funding injury leave compensation or medical bills incurred under said law, or take any other action relating thereto.

Submitted by the Finance Director

Explanation: This article would deposit \$250,000 into the special injury leave indemnity fund (Injured on Duty Fund).

The Select Board recommends approval of Article 8 by a vote of 5-0

The Finance Committee recommends approval of Article 8 by a vote of 7-0

Article 9

To see if the Town will vote to appropriate \$575,902 to establish a budget for the PEG Access and Cable Related fund for fiscal year 2024, with said appropriation to be funded through the current balance of the fund, or take any other action relating thereto.

Submitted by the Finance Director

Explanation: The Department of Revenue requires the Town to establish and appropriate a yearly budget based on estimated expenditures from the fund for the next fiscal year. The total budget voted may not exceed the current balance within the fund.

The Select Board recommends approval of Article 9 by a vote of 5-0

The Finance Committee recommends approval of Article 9 by a vote of 7-0

Article 10

To see if the Town will vote to appropriate the sum of \$12,000,000 to fund completion of Phase 1 construction of the Town's comprehensive nitrogen and wastewater management, treatment and disposal improvement project, including sanitary sewer mains, lift stations, and related wastewater collection and treatment system improvements, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$12,000,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer, with the approval of the Select Board, is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and, in connection therewith, to enter into a financing agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Select Board and/or the Town Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project; and, further, to authorize the Select Board and/or Town Manager to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into any Inter-municipal or other Agreements necessary for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein; provided, however, that this appropriation and debt authorization shall be contingent upon passage of a Proposition 2 1/2 debt exclusion ballot question pursuant to General Law Chapter 59, § 21C(k), or take any other action relating thereto.

Submitted by the Select Board and the Sewer Commission

Explanation: This Article would provide funding to complete the construction of the Phase 1 wastewater collection and treatment system as originally proposed and bid in in the summer of 2022, including items listed as "Alternates". The Town requested, and MassDEP approved, inclusion of funding in this amount in Mass DEP's 2023 Intended Use Plan (IUP) for a zero-interest State Revolving Fund (SRF) loan.

The Select Board recommends approval of Article 10 by a vote of 5-0

The Finance Committee recommends approval of Article 10 by a vote of 7-0

Article 11

To see if the Town will vote to authorize the Treasurer, upon the approval of the Select Board, to borrow the sum of \$8,000,000, and to appropriate said sum for purposes of paying the costs of the following capital improvements, including all costs incidental and related thereto, as recommended by the Capital Improvement Program Committee:

1. Purchase a new Fire Truck;
2. Mashpee Public Schools HVAC Replacement design, engineering, and construction/ Energy Audit;
3. Town Hall HVAC Water Piping design and construction;
4. Police Department HVAC Replacement design, engineering, and construction; and
5. DPW Roof Replacement design, engineering, and construction.

provided, however, that any borrowing authorized hereunder shall be expressly subject to and contingent upon approval by the voters of the Town of a ballot question to exclude from the limitations of *Proposition 2 1/2*, G.L. c. 59, §21C, the amounts required to pay the principal and interest on any bonds, notes or certificates of indebtedness issued hereunder; or take any other action relating thereto.

Submitted by the Select Board, the Finance Committee and the Capital Improvement Program (CIP) Committee

Explanation: This article seeks to authorize the Treasurer, after approval by the Select Board, to borrow \$8,000,000 to pay for Capital Expenditures for a new fire truck, HVAC replacement design, engineering and construction, as well as, an energy audit for Mashpee Public School Buildings, HVAC replacement design, engineering and construction the Mashpee Police Department Building, HVAC water piping design and construction at Mashpee Town Hall, and design, engineering and construction of a roof at the Department of Public Works Building.

The Select Board recommends approval of Article 11 by a vote of 5-0

The Finance Committee recommends approval of Article 11 by a vote of 7-0

Article 12

To see if the Town will accept the provisions of Massachusetts General Laws Chapter 83, sections 15C and 15D relative to the assessment of interest on and the apportionment of unpaid balances of sewer betterment assessments, or take any other action relating thereto.

Submitted by the Select Board

Explanation: This article will authorize the Town to assess and collect interest on an unpaid balance of a sewer betterment assessment at a rate up to 2% above the net rate of interest chargeable to the Town for the project to which the assessment relates, and to apportion all *future* sewer assessments or unpaid balances of assessments over a period not to exceed 30 years, and to structure the payments so that the amounts payable for principal and interest combined in the respective years are as nearly equal as practicable. These equal payments may be further apportioned and collected by the Town on quarterly tax bills at the option of the Town. An owner of land assessed would still be able to pay the total remaining principal amount due without any prepayment penalty.

**The Select Board recommends approval of Article 12 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting**

Article 13

To see if the Town will vote to raise, borrow or transfer from available funds and appropriate the sum of \$595,357 to provide for road improvement projects under the Chapter 90 program, or take any other action relating thereto.

Submitted by the Department of Public Works

Explanation: This article authorizes use of funds which will be 100% reimbursed by the Commonwealth of Massachusetts. The budget approved each fiscal year by the Legislature and Governor establishes the total funding available for Chapter 90 local transportation aid for that year. These funds are then apportioned to the 351 Massachusetts towns and cities. The funding authorized by this article is the maximum anticipated Town’s share of the FY24 Chapter 90 program.

**The Select Board recommends approval of Article 13 by a vote of 5-0
The Finance Committee recommends approval of Article 13 by a vote of 7-0**

Article 14

To see if the Town will vote to appropriate \$ 486,380 for the operation of the Kids Klub Enterprise Fund for Fiscal Year 2024; such sums to be raised from \$ 486,380 in receipts of the Enterprise, or take any other action relating thereto.

Submitted by the Recreation Department

Estimated Revenues

Registration Fees	\$ 3,200
Tuition	\$ 482,905
Investment Income	\$ 275
Total Budgeted Revenue	\$ 486,380

Estimated Expenses

Salary (full-time; incl. long.)	\$321,328
Salary (part-time)	\$ 45,552
Benefits (Health, Life, Medicare)	\$ 57,000
Building Expenses	\$ 62,500
Total Budgeted Expenses	\$486,380
Net Profit/Loss	\$ 0

Explanation: The proposed Recreation Enterprise budget for fiscal year 2024 will authorize the Recreation Department to operate a toddler/pre-school program as a self-sufficient, self-funded operation. All costs related to this program are projected to be offset by the revenues of the program. Any monies in excess of the expenses are to remain in the account.

The Select Board recommends approval of Article 14 by a vote of 5-0

The Finance Committee recommends approval of Article 14 by a vote of 7-0

Article 15

To see if the Town will vote to appropriate and transfer from the FY 2024 Community Preservation Fund Estimated Revenues, the sum of \$40,000 to the Community Preservation Committee Administrative and Operating Expense Account, pursuant to the provisions of M.G.L., Chapter 44B, §5, including any necessary costs related thereto, as recommended by the Community Preservation Committee, or take any other action relating thereto.

Submitted by the Community Preservation Committee

Explanation: To provide annual funding in FY 2024 for the administrative and operational costs of the Community Preservation Committee which includes project costs associated with and incidental to the Community Preservation Committee. Under the CPA Act, up to 5% of the annual CPA funds may be spent on the operation and administrative costs of the Community Preservation Committee. Funding supports legal and professional fees, technical reviews, appraisal costs, signage, annual Community Preservation Coalition dues, administrative wages, office supplies and similar costs associated with and incidental to the development of a CPA project.

The Community Preservation Committee recommends approval of Article 15 by a vote of 8-0.

The Select Board recommends approval of Article 15 by a vote of 5-0

The Finance Committee recommends approval of Article 15 by a vote of 7-0

Article 16

To see if the Town will vote to continue participation in the Community Septic Management Program and the Massachusetts Water Pollution Abatement Trust (MWPAT) for the purpose of making loans to residents of the Town for repairing and/or upgrading residential septic systems pursuant to agreements between the Board of Health and residential property owners, including all costs incidental and related thereto, or to take any other action relating thereto.

Submitted by the Board of Health

Explanation: The Commonwealth of Massachusetts, through the Water Pollution Abatement Trust, has provided approximately \$660,000.00 at 0% interest to the Town of Mashpee to assist homeowners in complying with failed Title V systems since 1998. The loans are available to homeowners at 5% interest, to cover any ongoing costs of the program. Loans must be secured by a betterment assessed by the Town on the property being improved by the loan. The repayment of the loans to the Town, with the 5% interest, is being repaid through previously issued property betterments. In order for the Town to be able to re-loan funds to future additional septic projects, the Town must annually reauthorize/re-approve participation in the Community Septic Management Program. Failure to reauthorize participation in the Program will restrict the Town from re-lending funds to homeowners with failed septic systems. The repaid monies will be held in an account with the principle amount repaid to the MWPAT as scheduled.

The Select Board recommends approval of Article 16 by a vote of 5-0
The Finance Committee recommends approval of Article 16 by a vote of 7-0

Article 17

To see if the Town will vote to appropriate and transfer the sum of \$307,407 from revenue available for appropriation to fund the Personnel Administration Plan (P.A.P.) Appendix B and Appendix C employees, including the Plumbing and Wiring Inspectors, effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

Explanation: This article will fund the adjustments to the Personnel Administration Plan for Fiscal Year 2024.

The Select Board recommends approval of Article 17 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting

Article 18

To see if the Town will vote to appropriate and transfer the sum of \$366,518 from revenue available for appropriation to fund the Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519, effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

Explanation: This article will fund the negotiated adjustments to the Mashpee Permanent Fire Fighters Association, International Association of Fire Fighters (IAFF) Local 2519 for Fiscal Year 2024.

The Select Board recommends approval of Article 18 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting

Article 19

To see if the Town will vote to appropriate and transfer the sum of \$201,746 from revenue available for appropriation to fund the MASS. C.O.P., Local 324, Unit A – Patrol Officers and Detectives, effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

Explanation: This article will fund the negotiated adjustments to the MASS. C.O.P., Local 324, Unit A – Patrol Officers and Detectives for Fiscal Year 2024.

The Select Board recommends approval of Article 19 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting

Article 20

To see if the Town will vote to appropriate and transfer the sum of \$101,192 from revenue available for appropriation to fund the MASS. C.O.P., Local 320, Unit B – Sergeants, effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

Explanation: This article will fund the negotiated adjustments to the MASS. C.O.P., Local 320, Unit B – Sergeants for Fiscal Year 2024.

**The Select Board recommends approval of Article 20 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting**

Article 21

To see if the Town will vote to appropriate and transfer the sum of \$26,773 from revenue available for appropriation to fund the MASS. C.O.P., Local 477, Administrator’s Unit C – Police Lieutenants effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

Explanation: This article will fund the negotiated adjustments to the MASS. C.O.P., Local 477 Administrator’s Unit C – Police Lieutenants for Fiscal Year 2024.

**The Select Board recommends approval of Article 21 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting**

Article 22

To see if the Town will vote to appropriate and transfer a sum of money not to exceed \$69,867 from revenue available for appropriation to fund the Service Employees International Union (SEIU), Local 888, Clerical/Library/Dispatchers Chapter effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

Explanation: This article will fund the negotiated adjustments to the Service Employees International Union (SEIU), Local 888, Clerical / Library/Dispatchers Chapter for Fiscal Year 2024.

**The Select Board recommends approval of Article 22 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting**

Article 23

To see if the Town will vote to appropriate and transfer the sum of \$94,062 from revenue available for appropriation to fund the Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit A; effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

Explanation: This article will fund the negotiated adjustments to the Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit A for Fiscal Year 2024.

**The Select Board recommends approval of Article 23 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting**

Article 24

To see if the Town will vote to appropriate and transfer the sum of \$46,850 from revenue available for appropriation to fund the Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit B; effective July 1, 2023, with said funds to be distributed to various salary line items by the Town Accountant, or take any other action relating thereto.

Submitted by the Select Board

Explanation: This article will fund the negotiated adjustments to the Service Employees International Union (SEIU), AFL-CIO Local 888, Public Works Unit B for Fiscal Year 2024.

**The Select Board recommends approval of Article 24 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting**

Article 25

To see if the Town will vote to transfer the care, custody, management and control of the following parcel of Town owned land to the Select Board for the purpose of sale or lease in conjunction with use of the abutting Boys and Girls Club of Cape Cod, Inc. parcel: a portion of land shown on Assessors' map 67 as Block 1 and more particularly described on a plan entitled, "Proposed Boys and Girls Club Expansion", dated September 8, 2008, a copy of which is on file in the Office of the Town Clerk, and to authorize the Select Board to execute a deed or a lease therefor on such terms as the Select Board shall deem proper, and further, to authorize the Select Board to petition the General Court, as may be necessary, for special legislation authorizing such sale or lease, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by the Select Board

Explanation: This article will authorize the lease of additional land to the Boys & Girls Club of Cape Cod, Inc. for the expansion of the Boys and Girls Club Building located at the municipal complex on Frank E. Hicks Drive off of the Nathan Ellis Highway (Route 151).

**The Select Board recommends approval of Article 25 by a vote of 5-0
The Finance Committee recommends approval of Article 25 by a vote of 7-0**

Article 26

To see if the Town will appropriate and transfer the sum of \$152,956 from revenue available for appropriation to the Human Services Opioid Settlement account; said funds to be expended by Human Services Director, upon approval of the Human Services Committee, or take any other action relating thereto.

Submitted by the Human Services Committee

Explanation: These funds are a result of the statewide opioid settlement agreement and must be used to implement strategies to assist individuals affected by opioid use.

**The Select Board recommends approval of Article 26 by a vote of 5-0
The Finance Committee recommends approval of Article 26 by a vote of 7-0**

Article 27

To see if the Town will vote to amend General Bylaw, Chapter 170, Use of Waterways, by adding the following section prohibiting the use of any engine or motor in excess of 10 horsepower and regulating speed to “headway speed” on Santuit Pond:

Ch. 170 § 19: Santuit Pond Prohibited Uses

- A. Purpose. This regulation is intended to limit the disturbance and resuspension of phosphorous laden sediment into the water column resulting from deep mixing caused by motorized boats on Santuit Pond, to protect and preserve water quality of the Pond, prevent shoreline erosion, and limit noise pollution.
- B. The operation and use of any engine or motor greater than 10 horsepower in or upon the waters of Santuit Pond is prohibited. Further, no powered recreational vessel shall operate at speeds greater than “headway speed”. The operation of vessels owned or authorized by an agency of the United States Government, Tribal Government, or by a State, County, City, or Town is excluded from the application of this section. Each violation hereof shall subject the vessel operator/owner responsible therefor to a penalty of not more than \$300.00.
- C. “Headway Speed” shall be defined as the minimum speed at which a vessel may be operated to maintain safe steorage, but not to exceed six miles per hour.
- D. Abutter compliance - All “direct abutters” to Santuit Pond will be allowed a 1-year grace period for compliance with this regulation commencing with approval hereof by the Attorney General, Office of Fishing Boating Access, and the Massachusetts Environmental Police. For purposes of this section a “direct abutter” shall be defined as any resident or homeowner residing at or owning property within 300 feet of Santuit Pond. Said resident or homeowner shall receive a pass from the Department of Natural Resources’ Harbormaster Division to operate outside of the above restrictions during the 1-year period after regulatory approval hereof.

Submitted by the Department of Natural Resources

Explanation: Santuit Pond’s depth is under 11 feet throughout, with an average depth of only 6.5 feet. Due to its shallowness and elevated phosphorus levels, the Pond cannot support the use of motors of more than 10 horsepower. Through the Municipal Vulnerability Preparedness Program and the completion of a Watershed Management Plan, our consultants from Fuss & O’Neil and The Southeast New England Partnership Program recommend this horsepower restriction for Santuit Pond to improve water quality and reduce shoreline erosion. This is one important change necessary for the Pond’s long-term health.

The Select Board recommends approval of Article 27 by a vote of 5-0

The Finance Committee recommends approval of Article 27 by a vote of 7-0

Article 28

To see if the Town will vote to upgrade one part-time Administrative Secretary position (19 hours/week without benefits) to a full-time Administrative Secretary position within the Department of Natural Resources with said position to be classified under the Clerical Union, to be effective July 1, 2023, and to appropriate and transfer the sum of \$66,005.15 from revenue available for appropriation with said funds to be distributed as follows: \$26,190.00 to the Department of Natural Resources Full-Time Salary Account; \$379.76 to the Medicare Account, \$26,811.00 for the Town’s portion of health insurance; \$ 34.56 for the Town’s portion of life insurance; and \$12,589.83 to Barnstable County Retirement or take any other action relating thereto.

Submitted by the Department of Natural Resources

Explanation: The new full-time Administrative Secretary position is needed to help and assist with the Department’s billing and invoicing, mooring management, payroll processing, and public affairs. The Administrative Secretary will allow for a full-time presence at the Department’s new location outside of Town Hall. He/ she will serve as the primary contact for public relations to allow other staff members to tend to mission critical affairs away from their office space.

The Select Board recommends approval of Article 28 by a vote of 5-0

The Finance Committee recommends approval of Article 28 by a vote of 7-0

Article 29

To see if the Town will vote to appropriate and transfer the sum of \$75,000 from the Waterways Improvement Fund to the Engineering/Permitting/Dredging and Associated Expense Account or take any other action relating thereto.

Submitted by the Department of Natural Resources and the Waterways Commission

Explanation: This Article will provide funds for various Waterways projects.

The Select Board recommends approval of Article 29 by a vote of 5-0

The Finance Committee recommends approval of Article 29 by a vote of 7-0

Article 30

To see if the Town will vote to amend §174-25 (H)(12) of the Mashpee Zoning By Law “Table of Use Regulations” by adding the letters ‘SP’ located in the columns identified as C-1 and C-2, and further by deleting the phrase, “provided that neighboring properties are effectively protected from any significant adverse impacts from glare, that any such systems are properly fenced or otherwise secured, and that no hazardous materials are stored in quantities greater than permitted by other sections of this bylaw, subject to approval by the Plan Review Committee and Design Review Committee” under the “Type of Use column” and replacing that phrase with “subject to the provisions of Section 174-45.7”

Type of Use	Residential		Commercial			Industrial
	R-3	R-5	C-1	C-2	C-3	I-1
Medium-scale and Large Scale Ground Mounted Solar Energy Systems, subject to the provisions of Sec. 174-45.7	--	--	SP	SP	--	PR

Submitted by the Planning Board

Explanation: This article would allow the development of medium scale solar energy systems as an accessory and/or principal use in the residential, commercial and industrial zoning districts with a Special Permit from the Planning Board in the C-1 and C-2 zoning districts subject to a new special provision 174-45.7 proposed containing performance standards and design criteria for the use.

The Select Board recommends approval of Article 30 by a vote of 5-0

The Finance Committee will make a recommendation at Town Meeting

Article 31

To see if the Town will vote to amend §174-31, Land Space Requirements Table by referencing footnote 15 in the Minimum Lot Frontage column title and adding new footnote 15 to read as follows:

¹⁵ Minimum lot frontage required for the development of solar energy systems shall be twenty-five (25) feet.

Submitted by the Planning Board

Explanation: This article would allow the development of solar energy systems on lots that have a minimum of twenty-five (25) feet by amending the footnotes of the Land Space Requirements table in the Zoning Bylaw. Lot frontage of 150 feet is the minimum requirement for other uses in the Town. The Town may consider reducing frontage to encourage solar energy on otherwise unbuildable lots. Solar Energy systems require only one access driveway for maintenance.

**The Select Board recommends approval of Article 31 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting**

Article 32

To see if the Town will vote to add new section 174-45.7: Solar Energy Systems to the Mashpee Zoning Bylaws as follows:

Solar Energy Systems

A. Purpose and Intent

This section promotes the creation of new small, medium and large-scale, ground-mounted solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and for providing adequate financial assurance for the eventual decommissioning of such installations. This bylaw is adopted pursuant to the Commonwealth of Massachusetts Green Communities Act and Massachusetts General Laws Chapter 40A Section 3.

B. General Provisions

1. Small scale ground mounted solar energy systems and roof mounted solar energy systems shall be considered an accessory use allowed as-of-right in the R-3, R-5, C-1, C-2, C-3, and I-1 districts. In issuing a building permit for such a system, the Building Inspector shall ensure that neighboring properties are effectively protected from any adverse impacts arising from glare.
2. Any medium or large-scale solar energy system shall be allowed in the C-1 and C-2 Zoning Districts only after the issuance of a Special Permit by the Planning Board. In issuing such Special Permit, the Board shall ensure that neighboring properties are effectively protected from any significant adverse impacts arising from glare, that any such systems are properly fenced or otherwise secured, and that no hazardous materials are stored in quantities greater than permitted by other sections of this bylaw.
3. Any medium or large-scale solar energy system in the I-1 Industrial Zoning District shall be allowed after review and approval by the Plan Review Committee.

4. The construction and operation of all ground-mounted solar energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures constituting part of a ground-mounted solar energy system shall be constructed in accordance with all applicable requirements of the Massachusetts State Building Code.
5. The solar energy system's owner or operator shall maintain system facilities in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Town's Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the ground-mounted solar energy system and any related access road(s).
6. No solar energy system may use panels manufactured with per-and polyfluoroalkyl substances (PFAS).

C. Dimensional Criteria

1. Small Scale Solar Energy Systems

- a) Small scale ground mounted systems shall comply with the setback requirements typical of the zoning district and shall not exceed fifteen (15') feet in height.
- b) Small scale ground mounted systems shall be exempt from the performance standards defined in Section G of this chapter.

2. Medium and Large Scale Solar Energy Systems

- a. Medium and Large Scale Solar energy systems may be accessory to another principal structure or use provided that they satisfy the dimensional criteria and performance standards contained in this section.
- b. Ground-mounted solar energy systems shall be set back a distance of at least 100 feet from a public or private way. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
- c. Ground-mounted solar energy systems shall be set back a distance of at least 125 feet from any inhabited Residence, and 100 feet from any property in residential use. For the purposes of this section, a Residence is defined as the primary living structure and not accessory structures. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
- d. Ground-mounted solar energy systems shall be set back a distance of at least 50 feet from any commercial property or use, and 25 feet from any industrial property or use notwithstanding the provisions of paragraph 2 above (relative to medium and large-scale solar energy systems). The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
- e. Ground-mounted solar energy systems shall be set back a distance of at least 50 feet from abutting conservation land and any property not included in the Ground-mounted solar array application. The Planning Board may reduce the minimum setback distance as it may deem appropriate based on site-specific considerations.

- f. Ground-mounted systems (medium and large) shall be set back a distance of at least 200 feet from any river and set back a distance of at least 100 feet from any water and wetlands.
- g. Fixed tilt Ground-mounted solar energy systems shall have a maximum height of 15 feet above grade. In the case of single or dual axis tracking Ground-mounted solar energy systems, the Planning Board may increase the maximum height as it may deem appropriate based on site-specific considerations.
- h. Inverters, energy storage systems, and transmission system substations shall be set back a distance of at least 200 feet from any residence. The Planning Board may reduce the minimum setback distance as it may deem appropriate based on site-specific considerations.

D. Special Permits Rules and Application Requirements

A Solar Energy System Special Permit shall not be granted unless each of the following submittal requirements, in addition to the requirements in §174-24 C Special Permit use, are satisfied:

- 1. A properly completed and executed application form and application fee;
- 2. Any requested waivers;
- 3. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- 4. Name, contact information and signature of any agents representing the project proponent;
- 5. Name, address, and contact information for proposed system installer;
- 6. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system;
- 7. Proposed hours of operation and construction activity;
- 8. Blueprints or drawings of the solar energy system signed by a Massachusetts licensed Registered Professional Engineer showing the proposed layout of the system and any potential shading from nearby structures;
- 9. Utility Notification - evidence that the utility company that operates the electrical grid where a grid-intertie solar energy system is to be located has been informed of the system owner or operator's intent to install an interconnected facility and acknowledges receipt of such notification, and a copy of an Interconnection Application filed with the utility including a one or three line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code (527 CMR § 12.00) compliant disconnects and overcurrent devices. Off-grid solar energy systems shall be exempt from this requirement;
- 10. Documentation of the major system components to be used, including the electric generating components, battery or other electric storage systems, transmission systems, mounting system, inverter, etc.;
- 11. Preliminary Operation & Maintenance Plan for the solar energy system, which shall include measures for maintaining safe access to the installation, storm water management, vegetation controls, and general procedures for operational maintenance of the installation;

12. Abandonment & Decommissioning Plan - Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned (i.e., when it fails to operate for more than one year without the written consent of the Planning Board) shall be removed. The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. The Abandonment & Decommissioning Plan shall include a detailed description of how all of the following will be addressed:
 - a. Physical removal of all structures; equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow landscaping or below-grade foundations left *in situ* in order to minimize erosion and disturbance of the site.
 - d. Description of financial surety for decommissioning - Proponents of ground-mounted solar energy systems shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be commercially reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.
 - e. It shall be a condition of any special permit that all legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation shall be provided prior to the issuance of a building permit.
13. Proof of liability insurance in such form and with policy limits satisfactory to the Planning Board;
14. A storm water management plan prepared by a Massachusetts licensed Registered Professional Engineer; and
15. A Site Plan, with stamp and signature of the Massachusetts licensed Registered Professional Engineer that prepared the plan, including the following:
 - a. Everything required under this bylaw and Site Plan Approval.
 - b. Existing Conditions Plan, showing property lines, map and lot from the Assessor's records, and physical features, including roads and topography, for the entire project site, signed and sealed by a Massachusetts licensed Registered Land Surveyor.

- c. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation, fencing or structures including their height, and placement of system components, including solar arrays and related structures and equipment.
- d. An estimate of earthwork operations including the volume of cut and fill and the amount of soil material to be imported or exported from the site.
- e. Locations of wetlands, vernal pools, and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP).
- f. Locations of floodplain area(s).
- g. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose).
- h. Materials storage and delivery and equipment staging area(s).
- i. Location of screening vegetation or structures.

E. Required Performance Standards – Medium and Large Scale Solar Energy Systems

1. Visual Impact Mitigation – The site plan for a ground-mounted solar energy system shall be designed to screen the array to the maximum extent practicable, on a year round basis, from adjacent properties in residential use and from all roadways.
2. All required setbacks shall be left in their undisturbed natural vegetated condition for the duration of the solar energy system’s installation. In situations where the naturally vegetated condition within required setbacks is not wooded and does provide adequate screening of the solar array, the Planning Board may require additional intervention including, but not limited to:
 - a. A landscaping plan showing sufficient trees and understory vegetation, of a type common in natural areas of Mashpee, to replicate a naturally wooded area and to constitute a visual barrier between the proposed array and neighboring properties and roadways.
 - b. Berms along property lines and roadways with suitable plantings to provide adequate screening to neighboring properties and roadways.
3. Lighting – Lighting of ground-mounted solar energy systems shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
4. Signage – Signs on ground-mounted solar energy systems shall comply with all applicable regulations of this bylaw and/or any Town sign bylaw. A sign shall be required to identify the owner, operator and interconnected utility and provide a 24-hour emergency contact phone number. Ground-mounted solar energy systems shall not be used for displaying any advertising signage.
5. Utility Connections – Within setback distances and except where soil conditions, location, property shape, and topography of the site or requirements of the utility provider prevent it, all utility connections from grid-intertie solar energy systems shall be placed underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
6. Vegetation Management – All land associated with the ground-mounted solar energy system shall be covered and grown in natural vegetation. The height of vegetation must be managed by regular mowing or grazing so as to minimize the amount and height of combustible material available in case of fire. Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation.

To the greatest extent practicable, a diversity of plant species shall be used, with preference given to species that are native to New England. Use of plants identified by the most recent copy of the “Massachusetts Prohibited Plant List” maintained by the Massachusetts Department of Agricultural Resources is prohibited. Management of all vegetated areas shall be maintained throughout the duration of the solar energy system’s installation through mechanical means without the use of chemical herbicides.

7. Noise Generation – Noise generated by ground-mounted solar energy systems and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP’s Division of Air Quality noise regulations, 310 CMR 7.10.
8. Fencing – Fencing around solar arrays shall provide 6 inches of clearance between the fence bottom and the ground to allow passage of small wildlife. Clearance shall not exceed 6 inches unless otherwise approved by the Planning Board in its written decision for good cause. The Planning Board shall require residential style fencing where necessary to screen the solar energy systems on a year round basis from adjacent residences.
9. Land Clearing and Soil Erosion – Clearing of natural vegetation and topsoil shall be limited to what is necessary for the construction, operation, and maintenance of the ground-mounted solar energy system. No topsoil removed during construction shall be exported from the site.
10. Erosion Control and Stormwater – Erosion Control and Stormwater Management notation shall be included to show that adequate provisions against erosion and adverse impacts of runoff are appropriately mitigated.
11. Emergency Services – The ground-mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Mashpee Fire Department, and any other neighboring Fire Department upon request. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

F. Waivers

The Planning Board may, upon the prior written request of the applicant, waive any of the requirements of this Section, and shall state its reasons for doing so, in writing, as part of its decision.

Submitted by the Planning Board

Explanation: This article would expand solar energy system uses for medium scale (up to 40,000 square feet) and large scale (greater than 40,000 square feet) into the C-1 and C-2 Commercial Zoning Districts. Any medium and large-scale solar energy system proposed in either of those zoning districts would require an application to the Planning Board for a special permit outlining compliance with the minimum required performance standards of this article.

**The Select Board recommends approval of Article 32 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting**

Article 33

To see if the Town will vote to upgrade and create positions at the Library and to appropriate funding therefor, as follows:

Upgrade one part-time Library Assistant-Youth Services (19.5 hours per week) classified SEIU, Grade III, to a new full-time Library Assistant -Youth Services position (37.5 hours per week) classified SEIU Grade III, to be effective July 1, 2023; and to appropriate and transfer the sum of \$59,267.88 from revenue available for appropriation, with said funds to be distributed as follows: \$20,405.00 to the Library Full-Time Clerical Salary Account; Medical Insurance Account, \$27,882.00; Group Life Insurance Account, \$34.56; Medicare Account, \$616.39; and \$10,329.93 to Pension Reserve Account.

Upgrade one part-time Library Assistant-Adult Services (19.5 hours per week) classified SEIU, Grade III, to a new full-time Library Assistant -Adult Services position (37.5 hours per week) classified SEIU Grade III, to be effective July 1, 2023; and to appropriate and transfer the sum of \$58,042.06 from revenue available for appropriation, with said funds to be distributed as follows: \$19,465.00 to the Library Full-Time Clerical Salary Account; Medical Insurance Account, \$27,882.00; Group Life Insurance Account, \$34.56; Medicare Account \$600.30; and \$10,060.20 to Pension Reserve Account.

Upgrade one part-time Circulation Assistant (19.5 hours per week) classified SEIU, Grade II, to a new full-time Circulation Assistant position (37.5 hours per week) classified SEIU Grade II, to be effective July 1, 2023; and to appropriate and transfer the sum of \$55,820.54 from revenue available for appropriation, with said funds to be distributed as follows: \$18,417.75 to the Library Full-Time Clerical Salary Account; Medical Insurance Account, \$27,882.00; Group Life Insurance Account, \$34.56; Medicare Account \$534.11; and \$8952.12 to Pension Reserve Account, or take any other action relating thereto.

Submitted by the Library Board of Trustees

Explanation: Three existing and funded part-time positions (19.5 hours per week/each) as listed above will be eliminated and replaced with three full-time positions (37.5 hours per week/each). Due to the updated figures recorded in the 2020 Census, which reflect the fact that the Town of Mashpee's population now exceeds 15,000, the Library has three years to increase hours of operation to 50 hours per week to meet the full state certification requirements. We are currently at the end of the first year of the "grace period" to reach this benchmark.

The Select Board recommends approval of Article 33 by a vote of 5-0

The Finance Committee recommends approval of Article 33 by a vote of 7-0

Article 34

To see if the Town will vote to create one full-time Circulation Assistant position at the Library (37.5 hours per week) Classified SEIU, Grade II to be effective July 1, 2023, and to appropriate the and transfer the sum of \$37,402.79 from revenue available for appropriation with said funds to be distributed as follows: Medical Insurance Account, \$27,882.00; Group Life Insurance Account, \$34.56; Medicare Account \$534.11; and \$8952.12 to Pension Reserve Account, or take any other action relating thereto.

Submitted by the Library Board of Trustees

Explanation: Two existing and funded part-time Circulation Assistant positions (19.5 hours per week/each) will be eliminated and replaced with one full-time Circulation Assistant (37.5 hours per week). Due to the updated figures recorded in the 2020 Census, which reflect the fact that the Town of Mashpee’s population now exceeds 15,000, the Library has three years to increase hours of operation to 50 hours per week to meet the full state certification requirements. We are currently at the end of the first year of the “grace period” to reach this benchmark.

The Select Board recommends approval of Article 34 by a vote of 5-0

The Finance Committee recommends approval of Article 34 by a vote of 7-0

Article 35

To see if the Town will vote to appropriate and transfer the sum of \$507,250 from the Ambulance Reserved Receipts account with said funds to be distributed as follows: \$500,000 to the Fire Department Overtime Salary Account and \$7,250 to the Medicare expense account, or take any other action relating thereto.

Submitted by Fire Chief John Phelan

Explanation: This article provides additional funds to cover a projected shortfall in the Fire Department Salary account. Due to an increase in calls for service, additional staffing is required. The funds will cover anticipated overtime costs associated with increasing minimum manning. All funds will be transferred from the Ambulance Reserved Receipts account and will have no impact on the taxes.

The Select Board recommends approval of Article 35 by a vote of 5-0

The Finance Committee recommends approval of Article 35 by a vote of 7-0

Article 36

To see if the Town will vote to amend Section 172-2 (Jurisdiction) of General Bylaw Chapter 172 (Wetlands) to increase the current one hundred (100’) foot buffer zone to wetlands to one hundred and fifty (150’) feet, as follows:

Ch. 172-2: Jurisdiction:

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands; marshes; wet meadows; bogs; swamps; vernal pools; banks; lakes; ponds; streams; creeks; beaches; dunes; estuaries; the ocean; lands under waterbodies; lands subject to flooding or inundation by ground water or surface water; lands subject to tidal action, coastal storm flowage, or flooding; lands within one hundred and fifty (150’) feet of any of the aforesaid resource areas; rivers; and lands within two hundred (200’) feet of rivers (collectively the “resource areas protected by this bylaw”). Said resources shall be protected whether or not they border surface waters.

Submitted by the Conservation Commission

Explanation: This article would increase the current one hundred (100') foot buffer zone to wetlands to one hundred and fifty (150') feet in order to provide increased pollution and sediment removal from waters entering wetlands, and to increase the area available for wildlife habitat.

The Select Board recommends approval of Article 36 by a vote of 4-1

The Finance Committee recommends approval of Article 36 by a vote of 6-0

Article 37

To see of the Town will vote to amend Section 172-7 (A)(1) (Permits, Determinations and Conditions) of General Bylaw Chapter 172 (Wetlands) to increase the current one hundred (100') foot buffer zone to wetlands to one hundred and fifty (150') feet and increase the current requirement of a fifty (50') foot Naturally Vegetated Buffer Strip (NVBS) to seventy five (75') feet, as follows:

172-7 Permits; Determinations and Conditions:

A. If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have significant or cumulative effect upon the wetland values protected by this chapter, the Commission, within twenty-one (21) days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

1. Lands within one hundred fifty (150') feet of specific resource areas, and lands within two hundred (200') feet of rivers, are presumed important to the protection of these resources because activities undertaken in close proximity to wetlands, rivers, streams, lakes, ponds, creeks, estuaries, the ocean and/or other resource areas have a high likelihood of adverse impact upon them, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a continuous naturally vegetated buffer strip (NVBS) within the aforesaid one hundred fifty (150') foot (or two hundred (200') feet for rivers) area with the aim of minimizing adverse impacts to resource areas and the wetland values of Chapter 172. (This requirement will not preclude access pathways through said NVBS, as determined by regulations for this Chapter.) Said NVBS shall be a minimum of seventy five (75') feet in width unless the applicant convinces the Commission (as per the provisions of Section 12 of this Chapter) that:

- (a) The NVBS (or part of it) may be disturbed and/or diminished without harm to the values protected by this Chapter, or
- (b) That reducing the scope of work/alteration is not possible.

Submitted by the Conservation Commission

Explanation: This article would increase the current one hundred (100') foot buffer zone to wetlands to one hundred and fifty (150') feet and increase the current fifty (50') foot naturally vegetated buffer strip (NVBS) to seventy-five (75') feet in order to provide increased pollution and sediment removal from waters entering wetlands, and to increase the area available for wildlife habitat.

The Select Board recommends approval of Article 37 by a vote of 4-0

The Finance Committee recommends approval of Article 37 by a vote of 6-0

Article 38

To see if the Town will vote to authorize and empower the Select Board to prepare a plan laying out and defining Watson Drive and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation \$10,000 to the Watson Drive Roadways Account, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by Petition
(Lead Petitioner-Stephen McDonald)

Explanation: This Article authorizes the Town to layout and define Watson Drive and to appropriate funding for this purpose.

The Select Board recommends approval of Article 38 by a vote of 5-0
The Finance Committee recommends approval of Article 38 by a vote of 6-1

Article 39

To see if the Town will vote to amend its Bylaws by amending Chapter 172 Wetlands, §172-2 Jurisdiction, to increase the buffer zone to wetlands by replacing the words “on hundred (100’) feet of any of the aforesaid resource areas;” with the words “one hundred and fifty (150’) feet of any of the aforesaid resource areas;”, or take any other action relating thereto.

Submitted by Petition
(Lead Petitioner-Susan Dangel)

Explanation: This article would increase the current one hundred (100’) foot buffer zone to wetlands to one hundred and fifty (150’) feet in order to provide increased pollution and sediment removal from waters entering wetlands, and to increase the area available for wildlife habitat.

The Select Board takes no position on Article 39 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting

Article 40

To see if the Town will vote to amend Subsection 172-7.A.1 of its Wetlands Bylaws by replacing the term "one hundred (100') feet" in its first sentence with the term "one hundred fifty (150') feet", replacing the term "one hundred (100') foot" in its third sentence with the term "one hundred fifty (150') foot" and replacing the term "fifty (50') feet" in its fifth sentence with the term "seventy-five (75') feet", or take any other action relating thereto.

Submitted by Petition
(Lead Petitioner-Susan Dangel)

Explanation: This article would increase the current one hundred (100’) foot buffer zone to wetlands to one hundred and fifty (150’) feet and increase the current fifty (50’) foot naturally vegetated buffer strip (NVBS) to seventy-five (75’) feet in order to provide increased pollution and sediment removal from waters entering wetlands, and to increase the area available for wildlife habitat.

The Select Board takes no position on Article 40 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting

Article 41

To see if the Town will vote to authorize and empower the Select Board to prepare a plan laying out and defining Blue Castle Drive and to accomplish said purpose and for expenses related thereto, the Town vote to appropriate and transfer from revenue available for appropriation \$10,000 to the Blue Castle Roadways Account, or take any other action relating thereto.

SEE MAP IN APPENDIX A

Submitted by Petition
(Lead Petitioner-Howard Rosen)

Explanation: This article authorizes the Town to layout and define Blue Castle Drive and to appropriate funding for that purpose.

**The Select Board recommends approval of Article 41 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting**

Article 42

To see if the Town will vote to approve the following additions pertaining to Santuit Pond to the Waterways Regulations Ch.170: Prohibit the use of any engine or motor over 10 horsepower, and regulate speed to "headway speed." Specific language below:

Ch. 170 § 19: Santuit Pond Prohibited Uses

- A. The operation and use of any engine or motor greater than 10 horsepower in or upon the waters of Santuit Pond is prohibited; further no powered recreational vehicle shall operate at speeds greater than "headway speed." Exceptions include vessels owned or authorized by an agency of the United States Government, Tribal Government, or by a State, County, City, or Town. Each violation shall make a person liable to a penalty of not more than \$300.00. This restriction is intended to limit the disturbance and resuspension of phosphorous laden sediment into the water column resulting from deep mixing caused by use of motorized boats, to protect and preserve water quality in the Pond, prevent shoreline erosion, and limit noise pollution.
 - B. "Headway Speed" shall be defined as the minimum speed at which a vessel may be operated to maintain safe steerage, but not to exceed six miles per hour.
 - C. Time to compliance - All "direct abutters" to Santuit Pond will be allowed a 1 year grace period to come into compliance once this regulation is approved by the Attorney General, Office of Fishing Boating Access, and the Massachusetts Environmental Police.
 - D. A "Direct Abutter" shall be defined as any resident or homeowner within 300 feet of Santuit Pond. Said resident or homeowner shall receive a pass from the Department of Natural Resources' Harbormaster Division to operate outside of the above horsepower restrictions for a 1 year period after regulatory approval.
- or take any other action relating thereto.

Submitted by Petition
(Lead Petitioner-Matthew Jalowy)

Explanation: Santuit Pond’s depth is under 11 feet throughout, with an average depth of only 6.5 feet. Due to its shallowness and elevated phosphorus levels, the Pond cannot support motors of more than 10 horsepower. Through the Municipal Vulnerability Preparedness Program and the completion of a Watershed Management Plan, our experts from Fuss & O’Neil and The Southeast New England Partnership Program recommend this horsepower restriction for Santuit Pond to improve water quality and reduce shoreline erosion. This is one important change necessary for the Pond’s long term health.

The Select Board takes no position on Article 42 by a vote of 5-0

The Finance Committee will make a recommendation at Town Meeting

Article 43

To see if the Town will vote to amend §174-25 (H)(12) of the Mashpee Zoning Bylaw Table of Use Regulations by replacing §174-25 (H)(12) in its entirety with the following:

Type of Use		Residential		Commercial			Industrial
		R-3	R-5	C-1	C-2	C-3	I-1
(12)	Medium-scale and Large-scale ground mounted solar energy systems subject to the provisions of §174-45.7: Solar Energy Systems	---	---	SP	SP	---	PR

Submitted by Petition
(Lead Petitioner-B. Lynne Barbee)

Explanation: This article would allow the development of medium- and large-scale ground mounted solar energy systems in the commercial (C-1) and (C-2) zoning districts with a Special Permit (SP) from the Planning Board and in the industrial (I-1) zoning district by approval of Site Plan Review per the standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations as set by §174-45.7: Solar Energy Systems of the Mashpee Zoning Bylaws.

The Select Board takes no position on Article 43 by a vote of 5-0

The Finance Committee will make a recommendation at Town Meeting

Article 44

To see if the Town will vote to add new section 174-45.7: Solar Energy Systems to the Mashpee Zoning Bylaws as follows:

Solar Energy Systems

Purpose and Intent

This section promotes the creation of small, medium and large-scale, ground-mounted solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and for providing adequate financial assurance for the eventual decommissioning of such installations.

General Provisions

- A.** Small scale ground mounted solar energy systems and roof mounted solar energy systems shall be considered an accessory use allowed as-of-right in the R-3, R-5, C-1, C-2, C-3, and I-1 districts. In issuing such building permit, the Building Inspector shall ensure that neighboring properties are effectively protected from any adverse impacts from glare.

- B.** Any medium or large scale solar energy system shall be allowed in the C-1 and C-2 Zoning Districts only after the issuance of a Special Permit by the Planning Board. In issuing such Special Permit, the Board shall ensure that neighboring properties are effectively protected from any significant adverse impacts from glare, that any such systems are properly fenced or otherwise secured, and that no hazardous materials are stored in quantities greater than permitted by other sections of this bylaw. Any medium or large scale solar energy system shall be allowed as-of-right in the I-1 Zoning District subject to approval the Plan Review Committee and the Design Review Committee. The Plan Review Committee and the Design Review Committee shall ensure that neighboring properties are effectively protected from any significant adverse impacts from glare, that any such systems are properly fenced or otherwise secured, and that no hazardous materials are stored in quantities greater than permitted by other sections of this bylaw.

- C.** The construction and operation of all ground-mounted solar energy systems shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a ground-mounted solar energy system shall be constructed in accordance with the Massachusetts State Building Code.

- D.** The solar energy system's owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the ground-mounted solar energy system and any access road(s).

- E. Dimensional Criteria**
 - Small Scale Solar Energy Systems**
 1. Small scale ground mounted systems shall comply with the setback requirements typical of the zoning district and shall not exceed fifteen (15') feet in height.

 2. Small scale ground mounted systems shall be exempt from the performance standards defined in Section G of this chapter.

 - Medium and Large Scale Solar Energy Systems**
 1. Medium and Large Scale Solar energy systems may be accessory to another principal structure or use provided that they satisfy the dimensional criteria and performance standards contained in this section.

 2. Ground-mounted solar energy systems shall be set back a distance of at least 100 feet from a public or private way. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.

3. Ground-mounted solar energy systems shall be set back a distance of at least 125 feet from any inhabited Residence, and 100 feet from any property in residential use. For the purposes of this section, a Residence is defined as the primary living structure and not accessory structures. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
4. Ground-mounted solar energy systems shall be set back a distance of at least 50 feet from any commercial property or use, and 25 feet from any industrial property or use notwithstanding the provisions of paragraph 2 above (relative to medium and large scale solar energy systems). The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
5. Ground-mounted solar energy systems shall be set back a distance of at least 50 feet from abutting conservation land and any property not included in the Ground-mounted solar array application. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.
6. Ground-mounted systems (medium and large) shall be set back a distance of at least 200 feet from any river and set back a distance of at least 100 feet from any water and wetlands.
7. Fixed tilt Ground-mounted solar energy systems shall have a maximum height of 15 feet above grade. In the case of single or dual axis tracking Ground-mounted solar energy systems, the Planning Board may increase the maximum height as appropriate based on site-specific considerations.
8. Inverters, energy storage systems, and transmission system substations shall be set back a distance of at least 200 feet from any residence. The Planning Board may reduce the minimum setback distance as appropriate based on site-specific considerations.

F. Special Permits Rules and Application Requirements

A Solar Energy System Special Permit shall not be granted unless each of the following requirements, in addition to the requirements in §174-24 C Special Permit use, are satisfied:

1. A properly completed and executed application form and application fee
2. Any requested waivers
3. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any
4. Name, contact information and signature of any agents representing the project proponent
5. Name, address, and contact information for proposed system installer
6. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar energy system
7. Proposed hours of operation and construction activity
8. Blueprints or drawings of the solar energy system signed by a Massachusetts licensed Registered Professional Engineer showing the proposed layout of the system and any potential shading from nearby structures

9. Utility Notification - evidence that the utility company that operates the electrical grid where a grid-intertie solar energy system is to be located has been informed of the system owner or operator's intent to install an interconnected facility and acknowledges receipt of such notification, and a copy of an Interconnection Application filed with the utility including a one or three line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code (527 CMR § 12.00) compliant disconnects and overcurrent devices. Off-grid solar energy systems shall be exempt from this requirement.
10. Documentation of the major system components to be used, including the electric generating components, battery or other electric storage systems, transmission systems, mounting system, inverter, etc.
11. Preliminary Operation & Maintenance Plan for the solar energy system, which shall include measures for maintaining safe access to the installation, storm water management, vegetation controls, and general procedures for operational maintenance of the installation
12. Abandonment & Decommissioning Plan - Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned (i.e., when it fails to operate for more than one year without the written consent of the Planning Board) shall be removed. The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. The Abandonment & Decommissioning Plan shall include a detailed description of how all of the following will be addressed:
 - a. Physical removal of all structures; equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation.
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow landscaping or below-grade foundations left *in situ* in order to minimize erosion and disturbance of the site.
 - d. Description of financial surety for decommissioning - Proponents of ground-mounted solar energy systems shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be commercially reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.
 - e. It shall be a condition of any special permit that all legal documents required to enable the Town to exercise its rights and responsibilities under the plan to decommission the site, enter the property and physically remove the installation shall be provided prior to the issuance of a building permit.
13. Proof of liability insurance
14. A storm water management plan prepared by a Massachusetts licensed Registered Professional Engineer

15. A Site Plan, with stamp and signature of the Massachusetts licensed Registered Professional Engineer that prepared the plan, including the following:
 - a. Everything required under this bylaw and Site Plan Approval
 - b. Existing Conditions Plan, showing property lines, map and lot from the Assessor's records, and physical features, including roads and topography, for the entire project site, signed and sealed by a Massachusetts licensed Registered Land Surveyor
 - c. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation, fencing or structures including their height, and placement of system components, including solar arrays and related structures and equipment
 - d. An estimate of earthwork operations including the volume of cut and fill and the amount of soil material to be imported or exported from the site
 - e. Locations of wetlands, vernal pools, and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP)
 - f. Locations of floodplain area(s)
 - g. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose)
 - h. Materials storage and delivery and equipment staging area(s)
 - i. Location of screening vegetation or structures

G. Required Performance Standards – Medium and Large Scale Solar Energy Systems

1. Visual Impact Mitigation – The site plan for a ground-mounted solar energy system shall be designed to screen the array to the maximum extent practicable year round from adjacent properties in residential use and from all roadways.
2. All required setbacks shall be left in their undisturbed natural vegetated condition for the duration of the solar energy system's installation. In situations where the naturally vegetated condition within required setbacks is not wooded and does provide adequate screening of the solar array, the Planning Board may require additional intervention including, but not limited to:
 - a. A landscaping plan showing sufficient trees and understory vegetation, of a type common in natural areas of Mashpee, to replicate a naturally wooded area and to constitute a visual barrier between the proposed array and neighboring properties and roadways
 - b. Berms along property lines and roadways with suitable plantings to provide adequate screening to neighboring properties and roadways.
3. Lighting – Lighting of ground-mounted solar energy systems shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
4. Signage – Signs on ground-mounted solar energy systems shall comply with all applicable regulations of this bylaw and/or any Town sign bylaw. A sign shall be required to identify the owner, operator and interconnected utility and provide a 24-hour emergency contact phone number. Ground-mounted solar energy systems shall not be used for displaying any advertising signage.

5. Utility Connections – Within setback distances and except where soil conditions, location, property shape, and topography of the site or requirements of the utility provider prevent it, all utility connections from grid-intertie solar energy systems shall be placed underground. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
6. Vegetation Management – All land associated with the ground-mounted solar energy system shall be covered and grown in natural vegetation. The height of vegetation must be managed by regular mowing or grazing so as to minimize the amount and height of combustible material available in case of fire. Herbicides, pesticides, or chemical fertilizers shall not be used to manage vegetation. To the greatest extent practicable, a diversity of plant species shall be used, with preference given to species that are native to New England. Use of plants identified by the most recent copy of the “Massachusetts Prohibited Plant List” maintained by the Massachusetts Department of Agricultural Resources is prohibited. Management of all vegetated areas shall be maintained throughout the duration of the solar energy system’s installation through mechanical means without the use of chemical herbicides.
7. Noise Generation – Noise generated by ground-mounted solar energy systems and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP’s Division of Air Quality noise regulations, 310 CMR 7.10.
8. Fencing – Fencing around solar arrays shall provide 6 inches of clearance between the fence bottom and the ground to allow passage of small wildlife. Clearance shall not exceed 6 inches unless otherwise approved by the Planning Board in its written decision for good cause. Residential style fencing is necessary to screen the solar energy systems year round from adjacent residences.
9. Land Clearing and Soil Erosion – Clearing of natural vegetation and topsoil shall be limited to what is necessary for the construction, operation and maintenance of the ground-mounted solar energy system. No topsoil removed during construction shall be exported from the site.
10. Erosion Control and Stormwater – Erosion Control and Stormwater Management notation shall be included to show that adequate provisions against erosion and adverse impacts of runoff are appropriately mitigated.
11. Emergency Services – The ground-mounted solar energy system owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Mashpee Fire Department, and any other neighboring Fire Department upon request. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

Submitted by Petition
(Lead Petitioner-B. Lynne Barbee)

Explanation: This section promotes the creation of new small, medium and large-scale, ground-mounted solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and for providing adequate financial assurance for the eventual decommissioning of such installations.

**The Select Board takes no position on Article 44 by a vote of 5-0
The Finance Committee will make a recommendation at Town Meeting**

Article 45

To see if the Town will vote to amend the Zoning Bylaws by deleting in its entirety section §174-17.1 Raze and Replace. or take any other action relating thereto.

Submitted by Petition
(Lead Petitioner-Glenn McCarthy)

Explanation: Article removes the ability of Board of Appeals to approve the raze/replacement of pre-existing/non-conforming dwellings by Special Permit. Passed in 2018, §174-17.1 Raze and Replace has not been employed in the spirit promised resulting in detrimental building height, lot coverage, and impacts on natural resources. Structures may still be altered under §174-17 Continuance/Extensions/Alterations.

The Select Board does not recommend approval of Article 45 by a vote of 3-2

The Finance Committee does not recommend approval of Article 45 by a vote of 6-0

THIS CONCLUDES THE BUSINESS OF THE ANNUAL TOWN MEETING

And you are hereby directed to serve this Warrant by posting up attested copies thereof, one at the Town Hall, one at the Post Office, and one each on the bulletin boards, thirty days at least before said meeting.

Hereof fail not and make return of this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 20th day of March in the year two thousand and twenty-three.

Per Order of,
Select Board

David W. Weeden, Chair

John J. Cotton, Vice Chair

Thomas F. O'Hara, Clerk

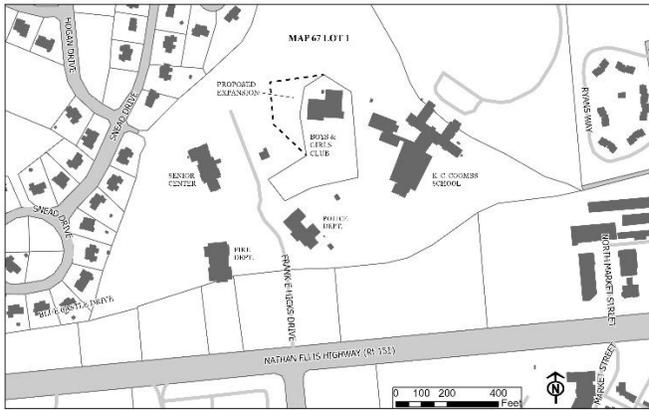
Carol A. Sherman

Michaela Wyman-Colombo

APPENDIX A

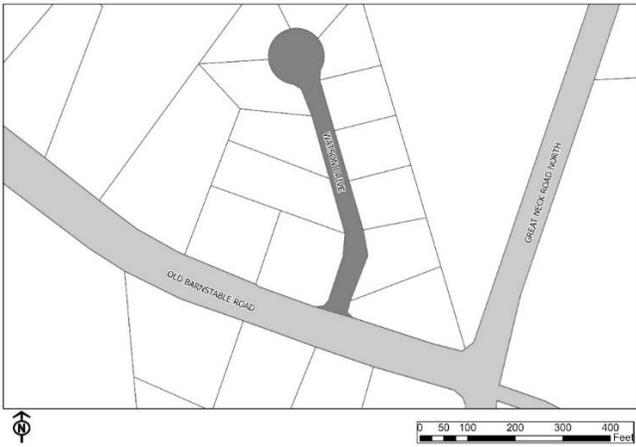
Annual Town Meeting Article #25

Map – Boys & Girls Club of Cape Cod Proposed Expansion



Annual Town Meeting Article #38

Map - Watson Drive



Annual Town Meeting Article #41

Map – Blue Castle Drive

